UNITED
NATIONS

CCPR

International Covenant
on Civil and
Political Rights

Distr.
GENERAL

CCPR/C/SR.1208
2 April 1993

ORIGINAL: ENGLISH

HUMAN RIGHTS COMMITTEE

Forty-seventh session

SUMMARY RECORD OF THE 1208TH MEETING

Held at Headquarters, New York
on Tuesday, 23 March 1993, at 10 a.m.

Chairman: Mr. ANDO

CONTENTS

Consideration of reports submitted by States parties under article 40 of the Covenant

Initial report of the Niger

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Initial report of the Niger (CCPR/C/45/Add.4)

1. At the invitation of the Chairman, Mr. Abarry and Mrs. Maikarfi (Niger) took places at the Committee table.

2. Mr. ABARRY (Niger) said that his Government regretted that it had been unable to submit its report to the Committee when originally requested. In addition, the information contained in the report submitted in May 1991 required updating because of the recent changes in the country.

3. The democratization process in the Niger had begun in 1983 with the drafting of a National Charter and had continued with the drafting of a Constitution, adopted in 1989. Because of the aspirations of the people for greater freedom and democracy, however, that Constitution had been found inadequate. A National Conference had been convened in 1991, lasting three months, as a result of which a transitional Government, headed by an elected Prime Minister, and a High Council of the Republic had been established, and a time-table had been set for the development of democratic institutions. A new Constitution had been adopted by national referendum in December 1992. With the rejection of the single-party system, some 40 political parties had been formed. In the recent legislative elections, candidates from 12 of those parties had run for office. Eight parties had nominated candidates for the first round of the presidential elections, which had taken place on 27 February 1993 in complete freedom and transparency, in the presence of over 200 observers from the international community. The second round would take place on 27 March 1993.

4. In a little under two years, the Niger had thus created all the necessary conditions for establishing a true democracy and an environment favourable to the promotion and protection of the rights of individual citizens and of society as a whole. The preamble to the new Constitution of 1992 affirmed the will of the people of the Niger to establish a state of law based on the principles of pluralist democracy and human rights. Many of the principles set out in the Universal Declaration of Human Rights and in the African Charter of Human and Peoples' Rights of 1981 were reflected in the new Constitution. Because of the country's experience under a state of exception and in order to perpetuate the democratic system, the new Constitution made it a crime to attack the republican form of government. Moreover, the people had the right and the duty to defend the democratically established Government through civil disobedience. National sovereignty was vested in the people, and practices such as regionalism, ethnocentrism, nepotism, feudalism, unlawful enrichment, favouritism and corruption affecting that sovereignty were henceforth punishable by law.

5. The new Constitution guaranteed the rights of the individual by enshrining the principles of non-retroactivity, presumption of innocence and separation of powers. Torture and other cruel, inhuman or degrading treatment or punishment committed by agents of the State was punishable by law. Freedom of the press and freedom of association were guaranteed. Causing damage to the environment

(Mr. Abarry, Niger)

had also been made a crime. Lastly, the State was required to inform the population about the new Constitution and their human rights and fundamental freedoms.

6. The people of the Niger were determined to do their utmost in order for law and democracy to prevail in their country, but they also looked to the international community to support the irreversible process which they had undertaken.

7. Mr. NDIAYE said that, although regrettable, it was understandable that the Niger should have delayed in submitting its report to the Committee in view of its difficulties over the past few years. He welcomed what he hoped would be a fruitful dialogue with that country. The process of democratization in the Niger had begun as early as 1983 and the National Conference had resulted in decisions fundamental to the future of the country. The road to democracy had not been entirely smooth, but it was encouraging that, in the wake of legislative elections whose results had not been contested, the final phase of the presidential elections was soon to take place. In general, the situation appeared favourable to the enjoyment of human rights, although there were some problems such as the Tuareg rebellion.

8. The report submitted by the Government of the Niger was unsatisfactory because it contained too little information on the current situation. Following its consideration, it might be useful to request a supplementary report. It was unfortunate that the 1992 Constitution had not been made available to the Committee. Title I of the 1989 Constitution painted a picture of a unified society free from class conflict and enjoying ideal relations among ethnic groups. It was not entirely surprising that it had been superseded by a new Constitution embodying a more realistic view of the Niger's society, which was subject to a degree of tension and strife among the many groups making up the country. After many years of a single-party system, there were currently 40 political parties in existence, demonstrating that diversity of opinion did not preclude national solidarity.

9. The Committee wo ld welcome more specific information on the current situation with regard to political organization and the impact of human rights on everyday life. More details on the legal system, including such issues as the independence of the judiciary and the right to legal representation, were needed, as was information on cooperation between the National Conference and the State during the transition period. Although the Government of the Niger had a reputation for sound financial management, there had been reports of difficulties with the payment of wages during the transition. Reports had also been received concerning the Tuareg rebellion. He was interested to know what impact those events had had on the human rights situation.

10. With regard to freedom of the press, more information was needed on the relationship between the independent press and the State press and on access by individuals to State-run communications media. Since African markets were often too small for free press organs to be viable, such organs often received State subsidies; he wondered whether any such subsidies were provided in the Niger. He was interested to know what means were used to disseminate information to the

(Mr. Ndiaye)

population about the Constitution and human rights and what plans there were for reaching illiterate citizens.

11. More information was needed about relations among ethnic groups, any conflicts among such groups and their representation in the Government and the civil service.

12. Ms. CHANET noted that, in recent years, the Niger had initiated a process of democratization and consolidation of the rule of law. Its accession to the International Covenant on Civil and Political Rights in 1986 was one aspect of that process. Unfortunately the manner in which that country had discharged its obligations under the Covenant, particularly its reporting obligations under article 40, prevented the Committee from gauging the extent of the changes in that country and accurately assessing the Covenant's impact on the democratization process.

13. The initial report contained little specific information on the current situation in the Niger and its preparation did not conform to the Committee's guidelines. The preparation of reports provided an opportunity for States parties to discharge their obligations under the Covenant by appearing before the Committee, thereby ensuring that their efforts to promote democracy were enhanced by their cooperation with the Committee.

14. Much of the available information on institutional structures in the Niger had been provided by non-governmental organizations. She hoped that the reporting State would take advantage of the opportunity afforded it to supplement and clarify that information.

15. With respect to the new Constitution, the text of which had inexplicably not been made available to the Committee, it would be interesting to know what place international instruments, and the Covenant in particular, occupied within the Niger's legal system. She also wished to know whether enabling legislation was required to give effect to the rights recognized in the Covenant or whether the Covenant was applicable directly.

16. She would welcome a detailed list of the individual rights and fundamental freedoms enshrined in the new Constitution. The references to such rights in the 1989 Constitution had been noticeably vague.

17. With respect to the remedies provided for in article 2 of the Covenant, she would welcome additional information on the other remedies referred to in paragraph 13 of the report and on whether those remedies could be invoked directly before administrative and judicial organs. She also wished to know more about the organization of the judiciary and whether magistrates were subject to removal from office.

18. Turning to the subject of equality between men and women, information provided by non-governmental organizations indicated that women in the Niger had taken to the streets to protest the denial of equal rights with men. She wondered to what extent that information was true and whether the new Constitution contained any provisions to ensure such equality.

(Ms. Chanet)

19. She would welcome additional information on the special security zones reportedly established in certain parts of the country. She also wished to know whether any rights provided for in the Covenant had been suspended in those zones by virtue of article 4 and, if so, which ones.

20. With regard to articles 6 and 7 of the Covenant, the problems of enforced disappearances and arbitrary executions seemed to be major ones in the Niger. She wished to know why the Government of the Niger had failed to respond to the request by the Special Rapporteur on summary and arbitrary executions for information on any such cases. In a number of cases, including that of an army general who had publicly admitted his involvement in a massacre, army officers found guilty of human rights violations had been pardoned and reinstated in the name of national unity. In other cases, the Government had refused to investigate complaints of enforced disappearances or arbitrary executions. It would be useful to have a full account of the situation in that regard.

21. With reference to article 9 of the Covenant, she would welcome information on the Niger's legislation governing arbitrary arrest or detention, the length of such detention, and the procedural guarantees provided by law. Reports that one particular ethnic group, the Tuareg, was subject to unlawful arrest also needed clarification.

22. Lastly, the Niger should be more specific about the procedural guarantees that protected the rights provided for in article 14 of the Covenant. She would also welcome an explanation as to whether the current legislation criminalizing unlawful enrichment embodied a presumption of guilt, contrary to the provisions of article 14 (2) of the Covenant.

23. Mr. EL-SHAFEI expressed regret that the report did not conform to the Committee's guidelines for the preparation of initial reports and that it contained little real information on human rights issues, the nature of judicial guarantees and the country's Penal Code. It also failed to elaborate on the recent evolution of the country's political structure in the context of the new Constitution adopted in December 1992. It was clear, however, that the country's political system was founded on the preeminence of the National Movement for the Development of Society (MNSD), which determined national policy.

24. It was unclear whether the transition to a multi-party political system had led to greater popular participation in national decision-making, in conformity with article 25 of the Covenant. Indeed, it was unclear whether the transition to a multi-party system was even reflected in the new Constitution. While there was clearly increased participation in terms of electoral candidacies, it would be interesting to know whether the National Conference still existed or whether it had been abolished.

25. Despite the favourable developments of recent years, serious human rights violations continued. The National Assembly had undertaken to investigate and punish such violations; he wished to know whether the results of those investigations had been published and whether those responsible for violations had been brought to trial.

(Mr. El-Shafei)

26. On the question of discrimination against ethnic groups, particularly the Tuareg, the report should have indicated what measures were being taken to prevent discrimination on ethnic grounds, as provided for in, inter alia, articles 2 and 26 of the Covenant.

27. It seemed that inequality between men and women remained entrenched in law. It would be useful to have a full account from the Niger on the situation in that regard.

28. Mr. AGUILAR said that the presence of the representatives of the Niger was itself indicative of the developments taking place in that country in the field of human rights. The recent elections, while an important part of the democratization process, were only a first step.

29. The report itself contained little information on the real situation of the rights recognized by the Covenant. On the subject of judicial guarantees, for instance, paragraph 11 of the report simply mentioned two Acts without describing how they helped to strengthen respect for the provisions of the Covenant in the Niger. The Constitution was the legal framework within which the provisions of the Covenant should be implemented, and the Niger should indicate precisely what role the Covenant played within the legal framework of the State. It should also be more specific about the relationship between the Constitution and the National Charter. It would be useful to know which of the two instruments had precedence, and what the relationship was between both of them and the Covenant.

30. No information had been provided to the Committee on the state of emergency in the Niger; the Secretary-General had not even been informed as article 4 of the Covenant required. The Committee would appreciate additional information on that matter.

31. He would welcome further information on the relations between ethnic groups in the Niger and on whether the differences between them resulted in discrimination against any group.

32. It would be interesting to have a full account of the situation of women in the Niger. The press had reported a recent incident in which a number of women had been apprehended for wearing mini-skirts and, in the process, had been stripped naked in public. If the reports were true, such an act would constitute flagrant discrimination. He wondered what measures the Government was taking to prevent such discrimination.

33. Reports had also been received about extrajudicial killings and about torture and other cruel, inhuman or degrading punishment. The Special Rapporteurs on those issues had received no response from the Government of the Niger to their requests for information on those alleged violations. It appeared that few of those accused of such violations were brought to trial, and that those who were found guilty were pardoned and reinstated. Indeed, the army seemed to act with impunity. Further data on that problem should be made available to the Committee.

(Mr. Aguilar)

34. The report shed very little light on the workings of the legal system in the Niger. The actual situation there must be examined in the light of specific articles of the Covenant so that the Committee could offer its opinions and advice, thereby helping the Government of the Niger to take practical steps towards fulfilling its obligations under the Covenant.

35. Mr. MAVROMMATIS said that, while he welcomed the news concerning the holding of elections in the Niger, he regretted the omission from the report of detailed information on the new Constitution and its relationship to the provisions of the Covenant. A dialogue with the Committee on that subject would surely be useful to the Niger in its commendable efforts to promote political pluralism and democracy. Although it had acceded to the Covenant in 1986, few of the Covenant's provisions had been incorporated into the Niger's legislation. Provisions concerning discrimination, for instance, were limited to the area of equality between the sexes. The Niger should provide additional information on the extent to which the provisions of the Covenant had been incorporated into the new Constitution. The Committee needed basic information, including information on the environment in which civil and political rights were protected, the historical sequence of the efforts made to protect those rights, and the functioning of the organs and institutions concerned with the protection of those rights.

36. He questioned whether it was possible to hold elections under a state of emergency and in the face of a rebellion by one sector of the population. In that connection, the Niger should provide additional information on extrajudicial executions and illegal detentions, particularly of members of the Tuareg ethnic group which was engaged in a rebellion against the central Government. He wished to know whether investigations were continuing into the human rights violations committed as a consequence of that rebellion. If there were objective reasons for the Government's inability to guarantee the practical enjoyment of human rights and fundamental freedoms, such as economic problems or entrenched prejudices, then the Niger should state those reasons.

37. He doubted whether all the information required by the Committee could be provided during consideration of the initial report. He therefore urged the Niger to provide as much information as possible and to supplement that information in its second periodic report.

38. In terms of specific questions, he wished to know whether a state of emergency had ever been declared and, if so, why it had been declared and why the Secretary-General had not been notified.

39. Lastly, he would welcome information on the extent to which customary law had been brought into line with the provisions of the Covenant.

40. Mrs. HIGGINS said that it was gratifying to know that articles 11-14 and 18 of the new Constitution gave substance to the guarantee of human rights, but that members of the Committee needed to study the text in order to ascertain whether the formulation of those articles was consistent with the provisions of the Covenant.

(Mrs. Higgins)

41. In particular, she wished to know how the regime of exception and derogation was provided for in the new Constitution and whether the provisions of article 11 of the old Constitution, guaranteeing equality for all citizens without distinction as to origin, race, sex or religion, had been extended to include the other categories specified in the Covenant.

42. She asked whether the High Court of Justice set up under the transitional regime was still in existence and noted that the refusal of the new courts to allow appeals against criminal convictions was inconsistent with the requirements of the Covenant. In addition, she wished to know whether the State Security Court, reinstated in 1992, would continue to exist under the new Constitution, what had necessitated that separate category of court and in what way its provisions for the right to a fair trial differed from those of any other criminal court. She noted that, while the practice of granting pardons through the High Court might provide an additional mechanism for the exercise of justice, it did not necessarily contribute to guaranteeing freedom from torture.

43. Lastly, she requested information on any measures which the Government of the Niger planned to take to address the imbalance between the sexes in such areas as school attendance and literacy.

44. Mr. FODOR said that, while it was regrettable that the report of the Niger had been so delayed, it had also, in another sense, come too soon, since it had been issued one week before the adoption of the National Charter and two years before the adoption of the new Constitution. In that connection, he noted that the Niger had acceded to the Covenant and the Optional Protocol while it had still been under military rule. He doubted whether the provisions of the Covenant could have been implemented under those circumstances. He suggested that it would be more appropriate for States to establish the necessary conditions for compliance with the provisions of such instruments before acceding to them.

45. Noting that the report was excessively brief and failed to follow the Committee's guidelines, he requested further information, in particular, on the competence of the High Council of the Republic and its role in the constitutional system and on the court system in general, since the report made no reference to the High Court of Justice or the State Security Court. Information was also required on the difficulties, such as extreme poverty or the high rate of population growth, experienced by the Niger in implementing the provisions of the Covenant.

46. He wondered whether the allegations of extrajudicial executions or arbitrary arrests by the army and of disappearances, torture and cruel treatment had been investigated by the authorities and how the provisions of article 4 of the Covenant concerning emergency measures had been implemented: in particular, which provisions could be derogated from in a national emergency.

47. Further information, with statistics where appropriate, was required on the status of women and discriminatory social practices against them, and on the rights of the child, indicating what protection was provided for children and how the legal provisions regarding children were implemented in practice.

(Mr. Fodor)

48. With reference to article 17 of the Covenant, he asked whether searches without warrants were a widespread practice.

49. Noting the institution of a multi-party system in the Niger, he requested clarification of the legal provisions for the establishment of political parties. Lastly, he asked what measures the Government was taking to eliminate ignorance of individual rights in certain parts of the country.

50. Mr. PRADO VALLEJO said that political developments in the Niger had rendered the current dialogue particularly valuable. He regretted, therefore, that the report did not follow the Committee's guidelines and contained no information on the substance of human rights problems in that country. From other sources, the Committee knew that the Niger had experienced difficulties in complying with the Covenant and he hoped that a new report would be requested from its authorities enabling members to have a fuller discussion at a later stage.

51. The report merely summarized the country's legislative basis and gave no indication of how its laws worked in practice. While the situation of human rights appeared to have improved with the changes in the Government and the new constitutional arrangements, the inquiries into past violations remained a cause of concern, since not all violations were being investigated. He asked whether the new constitutional system established compensation for victims of serious violations, such as torture, arbitrary arrest and disappearance, noting that such compensation would demonstrate the country's new willingness to comply with its obligations under the Covenant.

52. Noting that the Niger had a large prison population, he pointed out that under its laws provisional detention could only be applied for 24 hours, while in practice prisoners were held without trial for months on end. He wondered what steps were being taken to remedy that situation.

53. Welcoming the introduction of a multi-party system in the Niger, he requested further information on its legal basis and, in particular, clarification of the word "provisionally" in paragraph 19 of the report, which stated that some 15 political parties had been provisionally authorized. In addition, he asked whether there were any political detainees in the country and what steps had been taken to ensure their release and to investigate possible disappearances. Information was also needed on the instructions given to police regarding the use of firearms and whether respect for the United Nations standards on the use of firearms was being promoted, to prevent any repetition of past abuses.

54. Information received by the Committee indicated the persistence of discriminatory practices against women, including the use of violence by the police and in the home, and he wondered what steps were being taken to eliminate such practices. While the legislation of the Niger prohibited the marriage of girls below the age of 14, there was evidence of marriages of girls as young as 10 years old and he asked what steps were being taken to eradicate that practice. Noting the severe imbalance between the sexes in the area of

(Mr. Prado Vallejo)

education and literacy, he asked what corrective plans were being implemented by the authorities. Lastly, information was required on the measures taken to guarantee the independence of judges under the new constitutional rules.

55. Mr. SADI said that the report from the Niger was too concise for the Committee's purposes, but constituted a valuable initial contact with that country. Points of detail would have to be addressed at a later stage in the light of supplementary information.

56. In general terms, he wondered whether the Government of the Niger was aware of the Committee's guidelines for the preparation of reports. He hoped that those guidelines would assist the authorities in their preparation of subsequent reports. In addition, he asked how extensive political awareness of the Covenant was in the Niger, noting that many countries, especially those in the developing world, ratified human rights instruments but omitted to promote awareness of those instruments among their populations.

57. Mr. WENNERGREN drew attention to the provisions of article 6 of the Covenant, on the death sentence, and regretted the omission of any information on executions from the Niger's report. It was his understanding that many death sentences had been carried out in that country in past years and he requested more specific statistics, particularly for the period 1991-1992. He also wished to know whether the provisions of article 6, paragraph 5, prohibiting the death sentence for persons under 18 were respected in the Niger.

58. With regard to the provisions of article 8 of the Covenant, on forced labour, the report was similarly unforthcoming, and the Committee had to rely on reports from non-governmental organizations and other sources alleging that slavery still existed among the Tuareg people, where fair-skinned Tuaregs took those with dark skins as slaves. He wondered what steps were being taken to eliminate that unacceptable practice.

59. Further information was required on the commission of inquiry into political crimes and abuses, established in 1991, and on whether a new Commission would be set up to investigate violations which had occurred during the 1991-1992 transitional period, such as those allegedly committed by certain groups in the army.

60. Turning to the judiciary, he asked how its independence was guaranteed, how and by whom judges were appointed, for what tenure and what status they enjoyed in the Niger. Further information was also required on the status, composition, competence and other aspects of the State Security Court, whether it permitted recourse to appeals and, if so, to which instances such appeals would be referred.

61. Noting that violations of privacy, the family and the home, including searches without warrant and illegal searches were inevitable in times of tumult such as those through which the Niger was living, he asked whether a commission of inquiry would be set up to investigate such violations.

62. Sharing the concerns of other members about discriminatory practices against women, he drew attention, in particular, to reports from other sources

(Mr. Wennergren)

about the continued practice of keeping women cloistered in some regions, and sought further clarification from the representatives of the Niger on that matter. In addition, he noted with concern the low levels of literacy and school attendance among children, particularly girls, who were kept out of school to provide labour. He wondered what steps the authorities were taking to eliminate that unacceptable practice and to improve the situation of children in the country.

63. Ms. EVATT said she shared the concern expressed by previous speakers about past abuses of human rights and hoped that the representatives of the Niger would be able to inform the Committee about the findings of the commission of inquiry into political crimes and abuses which were supposed to have been published in early 1993. She wished to know whether the Niger had implemented its proposal, mentioned in its report to the Committee on the Elimination of Racial Discrimination, to introduce human rights education in the country, and whether the proposal extended to law enforcement officials and included instructions for dealing with civil disorder and unrest. The representatives of the Niger could also tell the Committee whether the Government's report to the Committee had been published in the country, whether the people of the Niger had been consulted about the preparation of the report, whether any human rights or civil liberties organizations had been established and whether non-governmental human rights organizations, if they existed, had been involved in drafting the Constitution and in preparing the report to the Committee.

64. The Committee needed further details on the operation of the remedies for breaches of civil and political rights outlined in paragraph 12 of the report and on the kinds of decisions made by the courts in those matters. It would also be useful to have some information on the availability of legal advice and legal aid for people seeking a remedy for the violation of their rights.

65. With respect to the status of women, she inquired whether there had been any women members of the National Conference, whether any women had been elected in the recent parliamentary elections and whether there were any women on the judiciary. She would also appreciate it if the Niger could confirm that women had in fact been demonstrating for their rights as citizens, and could indicate what their complaints had been. What plans did the Government have to investigate and change the marriage, divorce, inheritance and other laws which discriminated against women? The Government should inform the Committee of any measures it had taken to deal with the practice of female circumcision. She also wondered whether the Government had set up any agency to work for the equal status of men and women in the country and hence deal with violence against women.

66. Since the new Constitution was very clear about the right to freedom from torture, it would be useful to know whether there was a specific agency responsible for investigating and recording every allegation of torture of detainees. She would also appreciate further information on the underlying social problem addressed by Act No. 61-27 mentioned in paragraph 11 (b) of the report, which seemed to suggest that slavery was a continuing social problem.

67. The Committee would in due course require detailed information about the separation of powers mentioned in the Constitution and about the way in which

(Ms. Evatt)

each branch of Government would be made responsible for its own sphere of activity. She would appreciate any information on whether private non-governmental organizations were able to publish and distribute newsletters about the human rights situation in the country and on whether community organizations had access to public broadcasting on radio or television or whether that was the exclusive domain of the Government. She wondered whether the representative of the Niger could share with the Committee any plans their Government had made to ensure that child labour did not interfere with the education of boys and girls and that girls enjoyed the same access to schooling as boys.

68. It would be useful to know whether political parties were formed on the basis of ethnicity or language, what kinds of issues divided parties and whether minorities were represented by their own political parties.

69. Mr. FRANCIS said that all Government agencies must be committed to the proper implementation of the obligations assumed by the Niger under the Covenant. Legal aid was a very crucial factor, since it enabled poor people to pursue their rights through the courts or through existing administrative machinery who might otherwise be unable to do so. The Niger might consider instituting an ombudsman for dealing with complaints emanating from public offices or concerning the functioning of administrative machinery, or for handling complaints of police brutality.

70. Turning to prisons or correctional facilities, he wondered whether the Niger had any specific agencies for investigating complaints from prisoners awaiting trial or convicted prisoners. He hoped that the authorities of the Niger would be able to respond to the issues raised by the Committee either during the current year or shortly thereafter.

71. Mr. POCAR said that it was unclear whether the provisions of the new Constitution concerning the status of international treaties were the same as those of the 1989 Constitution. He would appreciate more information on the place occupied by the Covenant in the Niger's legal system and wondered whether the Government of the Niger could confirm his interpretation of article 103 of the 1989 Constitution to the effect that the Covenant took precedence over domestic law and applied directly. He also wished to know what status the Covenant enjoyed in relation to the Constitution, since article 13 of the 1989 Constitution simply listed the different rights and liberties of the citizen without describing or defining them, while the provisions of the Covenant actually supplemented article 13, in that they mentioned a number of rights which were not listed in that article.

72. Even if he was correct in his assumption that the Covenant applied directly, that was not enough to ensure its implementation in every situation. Some provisions of the Covenant required enabling measures as article 2 of the Covenant itself indicated. More information was therefore needed on the measures taken to give effect to the rights recognized in the Covenant, particularly measures guaranteeing the possibility of effective remedies as required by article 2, paragraph 3, of the Covenant. Paragraph 12 of the report referred to "a whole range of remedies" but provided very little information on them. He would therefore appreciate further details of the "other measures for

(Mr. Pocar)

the protection of citizens that strengthen the arsenal of the law" referred to in paragraph 13 of the report, in order to gain a fuller picture of the legal framework within which the Covenant was being applied. Lastly, he was curious to know why no communications had been received from the Niger under the Optional Protocol. Was that because the general public were unaware of the international remedies available under that instrument?

73. Mr. LALLAH suggested that when the representatives of the Niger provided supplementary information, they should give some thought to a core document. He would like to know more about the people, resources and history of the Niger in order to gain a better understanding not only of the present situation but also of the legal framework within which human rights were protected.

74. With respect to the measures taken to implement article 25 of the Covenant, it had been noted that the Niger had inherited from colonial times a system designed for a homogeneous people, when, like many other third world countries that had achieved independence in the twentieth century, it in fact had many ethnic and religious groups. The Committee would appreciate additional information on not only legal measures taken but also how they worked in practice, in order to see how room was made for all the ethnic groups in society to enjoy their rights under article 25 of the Covenant.

75. Mr. HERNDL noted that, although the Niger had ratified the Covenant in 1986, its report had been submitted only in 1991 and was in any case not in conformity with the Committee's guidelines, lacking the information necessary for a thorough discussion in accordance with the provisions of article 40 of the Covenant. The Niger was currently evolving towards democracy and full respect for human rights and he hoped, therefore, that it would approach the United Nations and the Centre for Human Rights for assistance in the drafting of subsequent reports and human rights instruments. Noting that the second report of the Niger had been due in 1992, he hoped that it would be a full report, in line with the Committee's guidelines, and would include copies of the Constitution and other relevant documents. It was essential that the people of the Niger be fully acquainted with the Covenant and the Optional Protocol, and he therefore urged the Government to ensure wide dissemination of the Covenant and to inform the population about their rights so that they could use the remedies available to them under both national and international law.

76. Mr. ABARRY (Niger), reaffirming his country's determination to continue along its chosen path and to cooperate in every way with the Committee, said that his authorities would take the Committee's criticisms into account, particularly those regarding the drafting of the report, which clearly had many shortcomings. He hoped that the lack of information would be remedied by his country's new report. In the meantime, he would endeavour to respond as fully as possible to the specific questions put by members of the Committee.

The meeting rose at 1.10 p.m.